IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

MACA.No. 386 of 2003(C)

OPMV.631/1997 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PERUMBAVOOR
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APPELLANT/PETITIONER IN OP(MV):

T.S.VARGHESE, S/O. SCARIA,
AGED 50, THURUTHY (H), THAZHATHANGADI,
KIZHAKKAMBALAM, ERNAKULAM DIST.

BY ADV. SRI.K.C.ELDHO
SRI.VARGHESE.J.PUNNACHALIL

RESPONDENTS: RESPONDENTS IN O.P(MV):
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1. NARAYAN, S/O. SANKARAN,
AGED 45, PADALUNKAL (H),
PULIKKANKAYALA BHAGAM, VAZHUR VILLAGE.

2. K.S.R.T.C.,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRIVANDRUM.

BY ADV. SRI.P.M.NATESAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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M.A.C.A. NO. 386 OF 2003

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Dated this the 19th day of November, 2007

J U D G M E N T

Petitioner in O.P(MV) No.631 of 1997 on the file of the Motor Accidents Claims Tribunal, Perumbavoor is the appellant. Appeal is filed against the award passed by the Tribunal by which it had awarded an amount of Rs.15,000/- on account of the damages sustained to the vehicle. On 2.8.1996 a goods vehicle bearing Reg. No.KL-7/A-1695 owned by the petitioner met with an accident. A collision took place between the vehicle owned by the petitioner and a stage carriage bus bearing Reg. No.KL-15/2511 owned by the second respondent, Kerala State Road Transport Corporation. Petitioner's vehicle sustained damages. He filed the O.P. contending that he suffered a loss of Rs.87,805/-. Petitioner produced documents and adduced oral evidence to show that he spent Rs.37,983/- for repairing the vehicle. Tribunal awarded a sum of Rs.15,000/- as compensation. Aggrieved by the quantum of compensation awarded, petitioner himself has

filed this appeal.

2. Appellant relied on Exhibits A3 and A5 series of bills. P.W. 2 is the Surveyor. He had assessed the total loss sustained by the petitioner. But that was without considering depreciation. According to P.W.2 petitioner incurred an amount of Rs.24,400/- as labour charges and Rs.13,583/- towards cost of spare parts. Considering all aspects of the matter, I am of the view that the Tribunal ought to have awarded at least Rs.25,000/- as damages. So the appellant is entitled to get Rs.10,000/- more with interest.

In the result, appeal is allowed in part. The award passed by the Tribunal is modified. An award is passed allowing the appellant to recover an additional compensation of Rs.10,000/- which will carry interest at the rate of 6% per annum from the date of petition till date of deposit. Second respondent is directed to deposit that amount also. On deposit, the appellant can withdraw the entire amount.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.A.C.A. NO. 386 OF 2003

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J U D G M E N T

19TH NOVEMBER, 2007